



**STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF:	)	
	)	
VICTORIANO F. GOMEZ,	)	
	)	
Complainant,	)	CHARGE NO. 2003CF2119
	)	ALS NO. 04-242
AND	)	
	)	
QA PRODUCTS, INC.,	)	
	)	
Respondent.	)	

**RECOMMENDED ORDER AND DECISION**

On June 24<sup>th</sup>, 2004, the Illinois Department of Human Rights filed a complaint with the Commission on behalf of Complainant, Victoriano F. Gomez. That complaint alleged that Respondent, QA Products, Inc., discriminated against Complainant on the basis of his national origin in violation of the Illinois Human Rights Act.

This matter is presently before this tribunal on Respondent's *Renewed Motion to Dismiss for Want of Prosecution* filed on October 25<sup>th</sup>, 2004. Complainant has not filed a response to that motion. The motion is now ripe for decision.

**FINDINGS OF FACT**

The following facts were derived from the record file in this matter.

1. On August 17<sup>th</sup>, 2004, this matter was scheduled for an initial status hearing before an Administrative Law Judge. Respondent appeared and Complainant failed to appear. On that date, an order was entered scheduling another status hearing for September 21<sup>st</sup>, 2004. Respondent has filed *Proof of Service* of that order on Complainant at Complainant's address of record.

2. On September 21<sup>st</sup>, 2004, Respondent appeared and Complainant again failed to appear. On that date, an order was entered granting Respondent leave to file a motion to dismiss on or before October 1<sup>st</sup>, 2004 and scheduling another status hearing for October 19<sup>th</sup>, 2004. Respondent has filed *Proof of Service* of that order on Complainant at Complainant's address of record.
3. On September 27<sup>th</sup>, 2004, Respondent filed its *Notice of Motion and Motion to Dismiss for Want of Prosecution*. Respondent has filed *Proof of Service* of that notice and motion on Complainant at Complainant's address of record.
4. On October 19<sup>th</sup>, 2004, Respondent appeared and Complainant failed to appear for a third time. On that date, Respondent was ordered to serve its *Motion to Dismiss for Want of Prosecution* upon the Illinois Department of Human Rights. Respondent has filed *Proof of Service* of that order on Complainant at Complainant's address of record.
5. On October 25<sup>th</sup>, 2004, Respondent filed its *Renewed Motion to Dismiss for Want of Prosecution*, which was served on both the Complainant, at his address of record, and the Department of Human Rights. Respondent has filed *Proof of Service* of that motion with the Commission.
6. As of the date of this *Recommended Order and Decision*, Complainant has failed to file a response to Respondent's *Motion to Dismiss for Want of Prosecution* or its *Renewed Motion to Dismiss for Want of Prosecution*.

#### CONCLUSIONS OF LAW

1. Complainant's failure to appear for scheduled status hearings has unreasonably delayed the proceedings in this matter.

2. In light of Complainant's apparent abandonment of his claim, it is appropriate to dismiss this matter with prejudice.

#### DISCUSSION

Complainant has taken absolutely no action to prosecute this matter since it was filed. Without explanation, Complainant has missed three (3) status hearings and, in fact, has never appeared. He has also failed to respond to Respondent's motion to dismiss. Complainant has made no contact with this agency since the filing of the complaint.

For reasons unknown, it appears that Complainant has simply abandoned his claim. As a result, it is appropriate to dismiss the claim with prejudice. See *Leonard and Solid Matter, Inc.*, \_\_\_ III. HRC Rep. \_\_\_, (1989CN3091, August 25, 1992).

#### RECOMMENDATION

Based on the foregoing, it appears that Complainant has abandoned his claim. Accordingly, it is recommended that the complaint in this matter be dismissed with prejudice.

**ENTERED:** December 30<sup>th</sup>, 2004

**HUMAN RIGHTS COMMISSION**

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**MARIETTE LINDT  
ADMINISTRATIVE LAW JUDGE  
ADMINISTRATIVE LAW SECTION**